

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

CHIBUEZE C. ANAEME,

Plaintiff,

No. 3:11-cv-1160-ST

v.

UNITED STATES OF AMERICA,
et al.,

ORDER

Defendants.

HERNANDEZ, District Judge:

Magistrate Judge Stewart issued a Findings and Recommendation (#5) on October 7, 2011, in which she recommends that this Court grant plaintiff's application to proceed *in forma pauperis*, but dismiss his Complaint with prejudice because it fails to state a claim and is frivolous. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v.

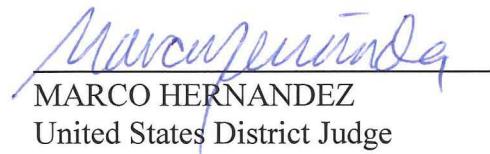
Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Stewart's Findings and Recommendation (#5). Accordingly, plaintiff's motion to proceed *in forma pauperis* [1] is granted, and the Complaint [2] is dismissed in its entirety with prejudice. Plaintiff's motion for appointment of counsel [3] is denied as moot.

IT IS SO ORDERED.

DATED this 4 day of Nov., 2011.


MARCO HERNANDEZ
United States District Judge